

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Applicants: Fung-Lung Chung et al.

Examiner: C. R. Stone

Serial No.: 10/541,256

Art Unit: 1609

Filed: 4/17/2006

Confirmation No. 4893

For: COMPOSITIONS AND METHODS FOR
TREATING LUNG CANCER

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION UNDER 37 C.F.R. §1.131

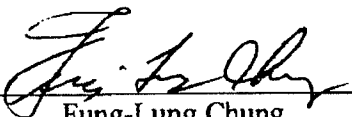
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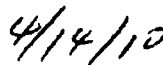
Sir:

I, Dr. Fung-lung Chung, am an inventor on the above application. I have reviewed the pending claims 1-14, and hereby assert that the invention disclosed and claimed in the above-referenced application in the United States was conceived and completed at a date prior to September 2002, which is the date of the prior art reference, Hecht et al. "Inhibition of lung tumorigenesis in A/J mice by N-acetyl-S-(N-2-phenethylthiocarbamoyl)-l-cysteine and myo-inositol, individually and in combination," Carcinogenesis, 23(9), p. 1455-1461. As further support to the assertions herein, I note that claims 1-6, 9 and 12 are rejected as being anticipated by Yang et al., Cancer Research, 62:2-7 (January 2002) cited by the Patent Office, which, per se, is an acknowledgement by the USPTO that the subject matter of the rejected claims is fully

disclosed in a publication as early as January 2002. In addition, I note that there is substantial overlap of the authorship of the Yang et al. reference and the inventorship of the present application. Thus, the USPTO acknowledges that inventors of the present application are named as authors in a publication that is acknowledged by the USPTO to disclose claims 1-6, 9 and 12. The foregoing establishes that the claimed subject matter in the present application was conceived and completed prior to the date of the Hecht et al. reference.

All statements made herein of my own knowledge are true, and all statements made of information and belief are believed to be true. I acknowledge that willful, false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By: 
Fung-Lung Chung


Date